

REMARKS

Reconsideration and allowance of the subject application in view of the foregoing amendments and the following remarks is respectfully requested.

By this Amendment, claims 1 and 2 are amended to include the subject matter of dependent claims 8 and 15, respectively, and claims 8 and 15 are herewith canceled. Accordingly, claims 1-7, 9-14, and 16-17 are pending in this application. Entry of the Amendment under Rule 116 is merited as it raises no new issues and requires no further search.

Claims 1-9 and 12-16 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Park (Korean Patent Application No. 2000-0000244) in view of Hong Park (Korean Patent Application No. 1999-0055454). In addition, claims 10, 11, and 17 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Park in view of Hong Park, and Chavez, Jr. et al. (US 6,603,844). These rejections are respectfully traversed.

As amended, claims 1 and 2 recite the subject matter of claims 8 and 15, and are believed patentable over the asserted combination of references. More specifically, claims 1 and 2 are amended to recite wherein:

the sound providing means determines the tone-replacing sound based on at least one of an identity associated with the call-sending terminal, which group the call-sending terminal belongs to among several groups classified by a user of the call-receiving terminal, and/or calling time. (Emphasis added).

Applicants respectfully submit that the combined disclosures of Park and Hong Park fails to disclose at least this feature. Furthermore, the asserted combination of references presents no apparent reason to combine references or modify prior art to render obvious at least this feature.

For example, at page 11 of the Office Action, the Examiner asserts that Park discloses, at page 5, lines 12-18, wherein the sound means determines the tone-

replacing sound based on an identity associated with the call sending terminal. Applicants respectfully disagree.

At the cited text, Park appears to only disclose wherein the SCP (500) queries the kind of alternative sound of the mobile identification number (MIN) of the reception subscriber, wherein the reception subscriber is understood to be the called subscriber. Nowhere does Park appear to suggest that the tone replacing sound is based upon the identity of the call-sending terminal, as recited in claims 8 and 15.

Furthermore, Applicants respectfully submit that tables 1 and 2 of Hong Park appear to only disclose which call progress tone or message to insert based upon call status. Nowhere does Hong Park disclose, teach, or suggest sound providing means that determines the tone-replacing sound based on a predetermined calling time.

Accordingly, since the asserted combination of Park and Hong Park fails to disclose, teach or suggest each and every feature recited in independent claims 1 and 2, the rejection of these claims under 35 U.S.C. §103(a) is improper. Applicants respectfully submit, therefore, that independent claims 1 and 2 are patentable over the asserted combination of references, either alone or in permissible combinations.

Claims 3-7, 9-14, and 16-17 are likewise patentable over the asserted combination of references at least based on their dependency on an allowable base claim, as well as for additional features they recite. Withdrawal of the rejection of claims 1-7, 9-14, and 16-17 is respectfully requested.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of the claims are earnestly solicited.

Entry of the amendments is proper under 37 CFR §1.116 since the amendments: (a) place the application in condition for allowance (for the reasons discussed herein); and (b) do not raise any new issue requiring further search and/or consideration (since the amendments amplify issues previously discussed throughout prosecution). The amendments are necessary and were not earlier presented because they are made in response to arguments raised in the final rejection. Entry of the amendments is thus respectfully requested.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 07-1337 and please credit any excess fees to such deposit account.

Respectfully submitted,
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